

Entered - 01/27/99 - sb
CL99L0020 - DIANNE C. MITCHELL

CLAIM OF: CARRIE L. BURLEY,
through her attorney,
Marcus M. Cornelius, III
P. O. Box 167
St. Augustine, Florida 32085-0167

For damages alleged to have been sustained as a result of personal
injuries due to a fall on the sidewalk on November 27, 1998 at
Piedmont Avenue and Baker Street.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell by RRG/SCA
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSED BY
CITY COUNCIL DEC 04 2000

ADVERSE REPORT

COM Public Safety

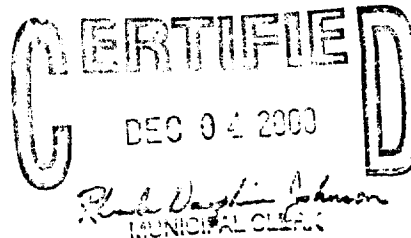
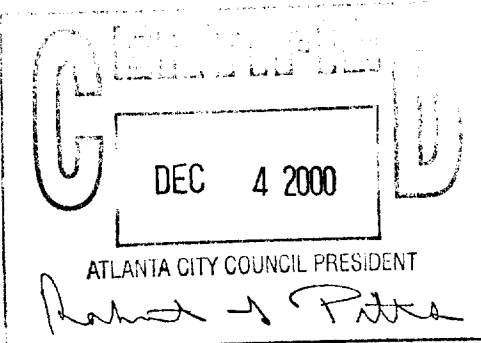
DATE 11/28/00

C. to Martin

Sharon Davis

Michael Bush

John





**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

December 13, 2000

Marcus M. Cornelius, III
Attorney at Law
P.O. Box 167
St. Augustine, Florida 32085-0167

00-R-1926

RE: Carrie L. Burley

Dear Attorney Cornelius:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on December 4, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0020

Date: November 15, 2000

Claimant /Victim CARRIE L. BURLEY
BY: (Atty) Marcus M. Cornelius, III
Address: P. O. Box 167, St. Augustine, Florida 32085-0167
Subrogation: Claim for Property damage \$ 11,676.81 Bodily Injury \$
Date of Notice: 01/21/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/27/98 Place: Piedmont Avenue and Baker Street
Department PRCA Division: Parks
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges she was injured when she tripped and fell on the sidewalk in the "Folk-Art Park" on Piedmont Avenue at Baker Street. The investigation determined that the City had no notice of any problems at this location prior to or after the claimant's fall. Furthermore, the claimant has filed a lawsuit to resolve the issues raised in her claim.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures X Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 11/15/00
Committee Action: Council Action

RECEIVED JAN 21 1999

MARCUS M. CORNELIUS
Member: Florida Bar
Georgia Bar
D.C. Bar

MARCUS M. CORNELIUS III & ASSOCIATES, P.A.
ATTORNEYS AT LAW

Telephone 904-826-4005
Facsimile 904-826-4010

JOHN P. CORRISS
Member: Florida Bar
N.Y. Bar

1590 Arapaho Avenue
Post Office Box 167
St. Augustine, Florida 32085-0167

Personal Injury
Workers' Compensation
Social Security Disability

ENTERED - 1-27-99-SB
99L0020 - DIANNE MITCHELL

Mitchell
01/22/99
Da

January 13, 1999

Sherry Butler, Claims Manager
City of Atlanta
68 Mitchell Street, S.W.
Atlanta, GA 30335

Dear Ms. Butler:

Please be advised I have agreed to represent Carrie L. Burley in a possible civil action against the City of Atlanta. Please consider this an official Notice of Claim under applicable Georgia Statutes.

My client advises me that on the very early evening hours of November 27, 1998 that she fell in the vicinity of Ralph McGill Boulevard and the intersection of Piedmont Avenue. More specifically, she fell between the Civic Center and a paved vacant lot. The probable cause for her fall was an area of the sidewalk which was uneven. Indeed, after she fell, another lady, Ms. Kijah Humphus of Columbus, Georgia, fell. To be sure, there was a guard posted near the Civic Center in the area of the vacant paved lot who stated to Ms. Burley that several people had fallen in that area and that the City knew that they had a dangerous condition in that area.

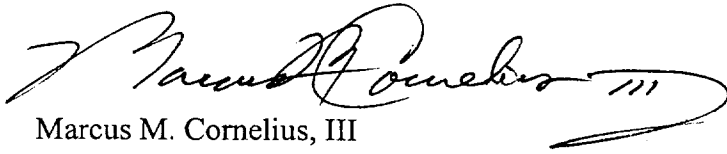
As a result of this fall, Ms. Burley fractured five ribs, severely injured her face and eyes, and lacerated her right shin and further injured her right knee. As a result of the facial injuries, Ms. Burley had to have stitches in her nose and now has permanent scarring on her face.

At the present time, it appears that Ms. Burley has approximately \$3,000.00 in medical bills, permanent scarring and a significant amount of pain and discomfort as a result of the City's negligent omission.

At this time, I would appreciate your turning this matter over to your insurance carrier or, in the alternative, if the City is self-insured, to have a city adjuster contact me regarding this claim. We will forebear filing any action in this case until February 15, 1999. I am enclosing laser copies of photograph depicting the injuries to Ms. Burley. If you have any questions concerning my

representation, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marcus M. Cornelius, III". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Marcus M. Cornelius, III
Attorney at Law

Enclosures
MMC/ckl

cc: Carrie Burley
Susan Langston, Esq., City Attorney
Hon. William Craig Campbell, Mayor

00- R -1926

RCS# 2434
12/04/00
3:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-19

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	B Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1874
00-O-1986
00-R-1950

CONSENT

		12/04/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 00-O-1289 2. 00-O-1680 3. 00-O-1792 4. 00-O-1797 5. 00-O-1003 6. 00-O-1228 7. 00-O-1795 8. 00-O-1796 9. 00-O-1860 10. 00-O-1616 11. 00-O-1853 12. 00-O-1801 13. 00-O-1963 14. 00-O-1965 15. 00-R-1788 16. 00-R-1886 17. 00-R-1953 18. 00-R-1955 19. 00-R-2009 20. 00-R-2010 21. 00-R-2011* 22. 00-R-1890 23. 00-R-1937 24. 00-R-1938 25. 00-R-1939 26. 00-R-1940 27. 00-R-1988 28. 00-R-2006 29. 00-R-2013 30. 00-R-1887 31. 00-R-2015 32. 00-R-1957 33. 00-R-1958 34. 00-R-1877 35. 00-R-2008	36. 00-R-1959 37. 00-R-1882 38. 00-R-1985 39. 00-R-1943 40. 00-R-1945 41. 00-R-1946 42. 00-R-1947 43. 00-R-1948 44. 00-R-1949 45. 00-R-1951 46. 00-R-1970 47. 00-R-2016 48. 00-R-1901 49. 00-R-1902 50. 00-R-1903 51. 00-R-1904 52. 00-R-1905 53. 00-R-1906 54. 00-R-1907 55. 00-R-1908 56. 00-R-1909 57. 00-R-1910 58. 00-R-1911 59. 00-R-1912 60. 00-R-1913 61. 00-R-1914 62. 00-R-1915 63. 00-R-1916	64. 00-R-1816 65. 00-R-1817 66. 00-R-1818 67. 00-R-1819 68. 00-R-1820 69. 00-R-1821 70. 00-R-1822 71. 00-R-1823 72. 00-R-1824 73. 00-R-1825 74. 00-R-1826 75. 00-R-1827 76. 00-R-1828 77. 00-R-1829 78. 00-R-1830 79. 00-R-1831 80. 00-R-1832 81. 00-R-1833 82. 00-R-1834 83. 00-R-1836 * President Pitts recused himself.